REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-5 are pending and rejected. Applicants amend claims 1 and 2. Applicants have not introduced any new matter by way of the foregoing amendments.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

OBJECTION

The Office objected to claim 2. Applicants amend claim 2 to remedy the discrepancy of claim 2. Applicants also amend the ABSRACT to remedy the Office's rejection. Reconsideration and withdrawal to the objection is respectfully requested.

REJECTION

The Office rejected 4 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,101,464 issued to Serizawa et al. (Hereon after "*Serizawa*"). Moreover, the Office rejected claims 2-5 under 35 U.S.C. § 103(a) as being unpatentable over *Kim and Chen* in view of *Nomura*. The Applicants respectfully traverse the rejections.

A. Applicant's Response to the 35 U.S.C. § 102(b) Rejection

The Office rejected claims 1, 2, 7, and 8 under 35 U.S.C. § 102(b) as being unpatentable over *Serizawa*. The Applicants traverse the rejection.

As the Examiner is aware, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinen Fabrick GmbH v. American Hoist*

Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) [emphasis added]. Applicant submits that the cited reference is devoid from disclosing at least one element recited in Applicant recited invention.

Amended claim 4 recites a combination of elements directed to a method of speech encoding. The combination of elements includes "providing a plurality of sets of LP coefficients, for each of said sub-frames, for a waveform coder coupled to an analyzer." [Emphasis Added]. Applicants submit that *Serizawa* is devoid from disclosing "providing a plurality of sets of LP coefficients, for each of said sub-frames, for a waveform coder coupled to an analyzer, as recited in claim 4.

Thus, Applicants submit that *Serizawa* does not teach all the elements recited in claim 4. The Applicants submit that *Serizawa* does not anticipate claim 4. Hence, Claim 4, in view of *Serizawa,* satisfies the requirements of 35 U.S.C. § 102(b) and is in condition for allowance.

B. Applicant's Response to the 35 U.S.C. § 103(a) Rejection

The Office rejected claims 2-3, 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Kim and Chen* in view of *Nomura*. The Applicants traverse the rejection.

As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, as the Office is also aware, the courts have repeatedly stated that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Applicants amend claim 1 to recite "a waveform coder coupled to said analyzer, with LP coefficients updated within a sub-frame for excitation synthesis for

eliminating switching artifacts," and submit that *Kim and Chen* in view of *Nomura,* alone and in combination, are devoid from disclosing "a waveform coder coupled to said analyzer, with LP coefficients updated within a sub-frame for excitation synthesis for eliminating switching artifacts."

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-5.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipates under 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. In addition, the Applicants submit that all of the claims presently in the application comply with 35 U.S.C. §112. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-5651 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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By: /MIRNA ABYAD/
MIRNA ABYAD
Registration No. 58,615
Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265
Telephone: (972) 917-4365
E-mail: mabyad@ti.com